1044b UIC - EAST POPLAR OIL FIELD **ENFORCEMENT CASE SDWA 1431** 2001 Privileged Folder ID: 13602 Release

Region 8 13602



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2	IN THE UNITED STATES DISTRICT COURT		
3	FOR THE DISTRICT OF MONTANA BILLINGS DIVISION		
4	BIBLINGS DIVISION .		
5	********		
6	CARY G. YOUPEE, et al.,		
7	Plaintiffs,		
8	vs.		
.9	MURPHY OIL USA, INC., et al., Cause No. CV 98-108-BLG	TDS	
	Defendants.		
10	Judge Jack D. Shanstro	ш	
11	MESA PETROLEUM and PIONEER		
12	NATURAL RESOURCES, USA, INC.,		
13	Defendants/ Third Party Plaintiffs & DEPOSITION		
14	Cross Plaintiffs,		
15	vs. TRIVIAN GRAINGER		
16	AMARCO RESOURCES CORP.		
17	BESTWAY INC.; WESTDALE PETROLEUM INC.; and THE		
18	PRUDENTIAL GROUP,		
19	Third Party Defendants,		
20	vs.		
21	JOHN DOES 4-50,		
22	Cross-Defendants.		

23	TIME: Tuesday, June 12, 2001 at 2:11 p.m.		
24	PLACE: Sherman Motor Inn, 200 East Main, Wolf Point	, MT	
25	Joann D. Heser		
26	Official Court Reporter Fifteenth Judicial District		
27	Roosevelt County Courthouse Wolf Point, Montana 59201		
28	Ph. (406) 653-6272 Home: (406) 525-3712		

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1 IT REMEMBERED: BEThat the oral deposition of 2 TRIVIAN GRAINGER was taken at 2:11 p.m. on the 12th day of June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf 3 4 Montana, with the appearances οf hereinbefore noted, before Joann D. Heser, Official Court 5 6 Reporter and Notary Public for the State of Montana. 7 The following proceedings were had: 8 9 Whereupon, 10 TRIVIAN GRAINGER, called for examination, and being first duly sworn upon her 11 12 oath, testified as follows: 13 EXAMINATION BY MR. FAGAN: 14 Q Hi, Trivian. My name is Gerry Fagan. I represent Marathon Oil. I hope you don't mind me calling you 15 Trivian? 16 17 A No. Am I pronouncing it right? 18 0 19 A Yeap. 20 Have you ever been deposed before? Q Yes. 21 Α 22 What context was that in? 0 23 A It was a lawsuit I had against Yellowstone County. 24 Excuse me, against Yellowstone County, wherein you 25 were plaintiff? Α Was it what? 26 27 It was a case against Yellowstone County, is that

1 correct? 2 A Yes. 3 Q And you were a plaintiff? 4 Α Um-hm. Yes. 5 What was the case about? Q Um, wrongful death. 6 Α 7 Involving who? Q Involving my husband. 8 Α 9 Explain the circumstances a bit. Q 10 Α He committed suicide while he was in jail. 11 In Yellowstone County? Q 12 Yes. Α 13 What year was that? Q In '95. 14 Α And what was the outcome of that case? 15 Q 16 We settled out of Court. Α 17 0 Have you ever been deposed any other time? 18 Α No. 19 So do you understand what we're doing here today and how a deposition works? 20 21 Α Yes. 22 That you're under oath? 0 23 Yes. A If I have any questions that confuse you or you 24 don't understand it, please just stop me from -----25 26 Α Alright. 27 Q Make sure I phrase it correctly. You received a

1 notice of the deposition today? 2 Α Yes. 3 And it asked you to bring any documents that might be relevant? 4 5 Α Yes, he did. 6 Did you bring any? 7 No, I didn't. Α 8 So you don't have any relevant documents that you Q 9 haven't already given to Mr. Dolan? 10 Α No. What's your occupation? 11 12 Α I'm a teacher in the Head Start program. 13 How long have you been a teacher? Twenty-five years. 14 Α 15 What kind of education do you have? 16 Α Um, right now I'm working towards my A.A. 17 education? What is an A.A. in education? What does that 18 19 stand for? 20 Associate of Arts or something, I don't know. 21 nervous. 22 You don't need to be nervous. If you need to take 23 a break at any time, just tell us. 24 I've got all these dates in my head that I'm 25 trying to keep straight. 26 Q Just take your time and -- It's not a test, so. 27 And if you need a break, just tell us, and we'll certainly 28

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Page 7 give you a break. 2 A Alright. 3 We're not trying to trip you up on something 4 you've already said and you're going to give us different 5 dates. Do you have other family members involved in this lawsuit? 6 7 My daughter, Denise. Α And I think we deposed her yesterday. Have you 8 Q 9 talked with her? 10 Um, yeap, I have. Α 11 About the deposition? Q Yes. 12 Α 13 What did you talk about? 14 Um, I just asked her how many lawyers there were A and where it was at, because I didn't know where to go to. 15 16 If it was scary and that kind of stuff? 17 No, I'd already been through it before. 18 always scary, I guess. 19 How do you own the property, Trivian, that's at issue in this case? 20 21 I inherited it when my husband died. Α And do you own it in fee? 22 Q 23 Α Yes. 24 And how many acres do you have? Q 25 A There's twenty there. I own half. 26 You own half of the twenty? Q

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Yes.

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1 Q And who do you own it with? 2 Α My niece. 3 What's her name? 0 4 A Marissa Buckles. 5 0 And does she live on the property? 6 No. Α 7 Q But you do, right? 8 Α Yes. 9 How long have you lived on the property? 0 10 Α Since 1983. 11 And who do you live there with? 0 12 I live with my three sons and my daughter. Α 13 0 Are they all plaintiffs in this case? Yes. 14 Α 15 Have they all lived on there the entire time that Q 16 you've lived on there? 17 Α Yes. 1.8 And they all live on there still? 0 19 Α Yes. 20 All in the same home? 21 Α Yeap. 22 Where did you live before moving Q onto 23 property? 24 Α We lived in town in Poplar. 25 And so you went from Poplar to the property in '83, is that right? 26

It's about five miles out.

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1 Q How many water wells do you have on the property? 2 Um, two. Α 3 Q And are they ----4 Three with Denise's. Α 5 Q And which two do you have, are they monitoring 6 wells? Do they have a designation? 7 Α Well, there's an old well there that was there for 8 years before we moved. And when we got our house in '89, 9 they put a different well there for us. And then Denise 10 had a separate well. So the two wells you're talking about on your 11 12 property, one of them ----13 Α All three of them are. 14 Yeah, excluding Denise's. 15 No, Denise leases from me. She's living on my Α 16 land. 17 Okay. So there's three wells total. One of them is Denise's. Two of them are for your use. Is that right? 18 19 Α I don't use one. 2.0 That's the old one. Q 21 Α Um-hm. (Indicates yes.) Is that one capped over or closed up? 22 Q 23 Α Nope. 24 It's still there, you just don't use it? Q We have it separate. It's by some corrals where 25 Α 26 we used to water our horses. 2:7 0 But you don't use that well for any purpose?

1 Α No. 2 Q When was the last time you used that well for 3 anything? 4 Α In '95. 5 Q And what purpose was that? 6 Α It was for watering the horses. 7 And did you quit in '95 and start using your other 8 well? A No, the separate well we were using for our house was since 1989 when I moved into our house. 10 11 When made you quit using the other well in '95 to water the horses? 12 13 Α We sold our horses, and I had no use for it. 14 Q So you no longer have horses to water, is that ---15 16 Α No. 17 So, just so I understand, so I'm clear, that old 18 well, after you drilled your new well in 1989, you only used the old well to water your horses? 19 20 Α Since '89? 21 Um-hm. Q 22 Α Yes. 23 And then when you got rid of your horses in '95, you quit using that old well all together? 24 25 Α Yes. 26 What is the designation of the well that you 27 drilled in 1989? Is it M38?

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1 A Yes. 2 And does Denise have M36? Does that sound right? 0 3 Α Um, I really don't know what her's is. 4 Where's your well in relation to your house? Q 5 Α Just a few feet north. 6 And where is your septic tank? Q It's southeast -- a few feet southeast of the 7 Α house. 8 9 0 And I think we established that that well M38 was drilled in 1989, is that correct? 10 Yes. 11 A 12 Q What caused you to drill a new well in '89? Housing said they had to do that. I don't know. 13 Α Fort Peck Housing. They said everybody had to have a new 14 15 well and, um, I just went along with it. 16 You hadn't contacted them in advance about the new 17 well? 18 Well, see, when we were going to have the house built there, they said they were going to drill us a new 19 20 well. 21 Q Were you building a new house in '89? 22 A That's the one we moved into, yeah. Must have been in '88, because we moved in '89. 23 24 0 You moved into the property in '83, right? 25 Α Yes. 26 Where did you live at from '83 to '89 then? Q

Just a few feet north.

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- Q Of where you live now?
- A Yes.
- Q So was it a trailer or an old house?
- A It was a double-wide trailer, yeah.
- Q So in '89, you built a new house and got rid of the trailer?
 - A Around '88, because we moved in '89.
- Q So in conjunction with getting a new home, you got a new well, too?
 - A Yes.
- Q Now, when you moved onto the property in '83, how was the water, the quality?
- A It was pretty bad. It was -- but that came from the water we had then in '83 was coming from the old well.
- Q And that was -- the water quality was pretty bad in '83?
 - A The water quality was bad in '83. Oh, yeah.
 - Q In terms of what, what was bad about it?
- A Well, you couldn't use the water to wash clothes. You couldn't -- it was alright to drink. I mean, at least, we drank it at the time because there was no other choice. I suppose we could have hauled water, I don't know. But, anyway, we couldn't use it for anything. When you tried watering your grass, trees, whatever, they didn't grow. Anything you planted, a garden, wouldn't grow.
 - Q And this was beginning in '83 when you moved?
 - A It was in '83.

- Q So from the very start when you got on that property, the water wasn't very good?
 - A Yes.
 - Q But you did drink it because you had no choice?
- 5 A We did.

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- Q And how long did you drink the water out of that well?
- A Um-m.
- 9 Q The entire time until you drilled the new well in '89?
- 11 A Yes.
 - Q Did that water have a -- any kind of a taste to it, a certain taste? was it salty?
 - A It didn't seem to be at first, no.
- 15 Q Did it become later?
 - A It started getting a little bit worse later on.
- Q This is later in the '80's?
- 18 A It had a funny smell to it.
- Q Can you describe that smell?
 - A Oh, kind of a -- I don't know. The only way I can describe it is if you drive by a sewer lagoon or something and -- is what it smelled like. You'd have to run the water for a while. Turn the faucet on and leave it running for a while in order for it to get a little bit clearer. It was kind of a blackish colored.
 - Q Did you have any rust color in it? any orange color?

1 Α If you used the hot water, it poured out the rust 2 But if you just ran cold, it wasn't as bad. 3 didn't really notice it that much. But even when it was cold, you still got the black 4 5 flecks in it? 6 Α Yes. 7 And that was from the very start from '83? 8 A Yes. 9 Now, when you drilled a new well in '89, what was Q 10 that water like? 11 Α It was about the same. 12 Same quality? Q 13 Α Yeah. But then we had our water softener put in, too, so. 14 15 0 Was that in '89? Α In '89. 16 17 Did that make a difference? 0 18 Α It seemed to. 19 And do you still use that? Q 20 Α We're still using it. 21 Q And in conjunction with drilling a new well and 22 building a new house, you put in a water treatment system? 23 Α Yes. And that was, hopefully, to address the problems 24 25 you'd been having with the well, with the quality? 26 Α We thought it would.

And did it help for a while?

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A Well, it -- yeah, it took a little bit of the rust out, but not -- we never could hardly -- we never used the washer and the dryer very much because it left these big, kind of like oil stains or grease stains or something on your clothes.

- Q Did you ever notice a greasy film on the water?
- A Oh, yeah. If you made tea or, you know, something, there'd always be that heavy film on the top.
 - O Even from '83 on?
 - A Yeap. I would have to say way back then.
- Q Did that concern you at all? Did it worry you about -- make you worry about your health in terms of drinking it?

A Well, we were always concerned about the water but, I don't know, like I said, back then we just figured - I mean, I don't know, I thought it was from the old well. I mean, being that old. And so I thought it would clear up more after we were getting our new house, but it never did.

- Q Did that make you wonder why?
- A Oh, yeah, it did, but I don't know. Like I said, if you run the water long enough, some of it seemed to clear a little bit.
- Q Did you ever wonder why it was caused like that -- what might have caused the water to be of that quality? Who could be responsible for it, if anybody?
- A Well, we never lived in the country before. We hadn't ever lived in the country before so I just assumed

- that's how the water was.
 - Q Did you ever talk with any neighbors or friends or relatives about their water?
 - A No.

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- Q Did you ever talk to Tribal officials or health officials?
 - A No.
 - Q Did you ever have water samples tested?
- A I don't think until -- I don't -- I really don't know. I can't remember. My husband used to do all that. He did everything, so I was always just going about my business.
 - Q You know, in terms of the water?
- A I mean, if there's something bothered him or bothered us, he would always take care of it. I never had to do any of that until '95.
 - Q And what's your husband's name?
- 18 A Howard.
 - Q And when did he die?
- 20 A In '95.
 - Q So then did you take over those kind of things?
- A Yes, I had to.
- Q Did you start talking with people in '95 about the water?
- A No, because our softener seemed to take care of some of it, but -- I never really talked to our neighbors.

 I mean, we're not that close. We live miles apart, and I

- Page 17 guess I never really -- I'm kind of a loner. 1 I don't 2 really associate that much with them. 3 Did you ever wonder if maybe the oil field activity might be causing the water to be bad? 4 5 I know they're all around the house there, but --6 I don't know. I guess I never really paid any attention 7 to it.
 - Q Sounds like you never really thought of the cause to much. You didn't really -- It wasn't something you dwelled on?
 - A No, we got a report sometime in -- oh, I think it was in '90 sometime, anyway, about -- Well, they came over to test our water was what happened.
 - Q Who was that? Who was they?
 - A Ah-h, some people from the Tribe. I really don't know if it was Deb Madison's office or -- or they've had something to do -- I don't know who they were. They just asked if they could test our water, and they took some samples.
 - A And do you recall when that was approximately?
 - A I think it was in ninety -- have to been past '95 'cause my husband wasn't there.
 - Q Was that the first you heard of somebody wanting to test your water?
 - A Um-hm. Yes.

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Q And how's the water from M38 changed since '89?

Has it gotten worse, stayed the same, gotten better?

Α Since '89? 2 Um-hm, since you drilled it? 3 Well, like I said, it seems to be more oily and A salt -- salty. You can't drink -- You know, you have to 4 5 leave your water running. We haven't drank that water for 6 years. But you have to leave it running and running, and 7 some of it clears up. 8 When do you think you quit drinking that water, 9 Trivian? 10 Α Um, I'd have to say at least ten years ago. 11 In the last ten years, what did you use for Q drinking water then? 12 13 Α We'd haul our water. 14 Did you go to town and buy it, bring it back? Q 15 Α Yes. 16 Q Now, in one of the documents that Mr. Dolan 17 supplied to us, he says that the Graingers stopped --18 referring to your family -- stopped drinking the water 19 around mid 1999. 20 Α Ninety-nine? 21 Is that wrong? Do you think it's a typo, meant to Q be '89? 22 23 It has to be because I know it's been over about 24 ten years or more. So since 1989, have you used the water for other 25 26 purposes?

Just bathing, washing dishes.

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1 Did you ever notice any skin problems from using 0 2 the water to bathe? 3 Well, a lot of us have developed rashes every now 4 and then, but. 5 And do you blame bathing in the water on that? or for that? 6 7 Α I haven't gone to the doctor. I never asked them 8 if that's what it was, but I know. . . 9 Q So you never discussed the rashes with a doctor? Α 10 Um, no. I haven't. 11 0 Had any things like open sores on your body or any of your family members from bathing? 12 13 Α No. 14 How about dry skin? Q 15 Α Well, dry skin, sure, but you can blame the weather for that, too, I guess. I don't know. 16 17 Q How close is Denise's house to your house? 18 About -- it's walking distance. 19 She testified yesterday that she thought it might 20 about a football field away. Does that sound reasonable? 21 22 That's about right. 23 And it sounds like your two wells, yours and the 24 one that Denise uses, M38 and M36, are about the same distance as the houses? 25 2.6 A Yes. 27 Do you know what kind of water Denise has? Q

1	A I remember when the guy put in my service soft
2	tank, he said um, he put one in for Denise, too. And he
3	said, your water's pretty bad, but, he said, your
4	daughter's is worse. That's all he said.
.5	Q Have you ever talked with Denise about it?
6	A No, not really. We just keep buying the salt and
7	keeping our tanks full and
8	Q I think you said that you no longer watered the
9	horses beginning in 1995, is that right?
10	A We sold them.
11	Q How about irrigating or watering gardens and
12	plants and things like that?
13	A No, by then I had quit trying to grow a garden
14	'cause it would never grow.
15	Q Even is this going back to 1983?
16	A We started in '83 trying to.
17	Q And even from then, you just couldn't get it to
18	grow?
19	A No.
20	Q When do you think you gave up on trying to get it
21	to grow?
22	A Maybe eight years or so after that.
23	Q Maybe around 1990 then?
24	A Around there, in '91 maybe.
25	Q Do you know how many water samples have been taken
26	from M38 in total?
27	A From?
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1 Q From your well? 2 Α You mean, since we've been there? 3 Um-hm. (Indicates yes.) Q 4 I really don't know. 5 Have you ever heard if there was any indication that there's benzene in that well? 6 7 A Yes. 8 You have heard that there is an indication of 0 9 benzene? 10 A Yes. 11 When was that? When did you hear about that? 12 My daughter came back and told me about it. 13 was working for Environmental Health at the time. And she 14 said, she wanted to move off from -- move away -- move out 15 of there. And I said, why? And she said, I think I'm exposing my kids to cancer. And I said, what makes you 16 17 think that? And she brought out a report and showed it to 18 me. I tried to find the report, but I couldn't find it 19 today. 20 Do you recall which party had produced that Q 21 report? Was it a USGS report or -----22 Ken Hull. Α 23 Q And it said that your well, M38, had benzene? 24 Α it just said that in the east Poplar oil 25 field. 26 0 So in the area?

Um-hm. (Indicates yes.)

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- Q But in terms of your specific well, no one's ever told you there was benzene in that well, is that right?
 - A Not so far.
- Q And I think you said earlier that there's quite a bit of oil activity around your property on oil wells?
 - A Yes.
 - Q Is there a lot of seismograph activity?
 - A There used to be.
 - Q When was that?
 - A When we first moved there.
 - Q So in the early to mid-80's?
 - A Um-hm. Yes.
- Q When did that quit? Do you recall when that slowed up?
 - A No, I can't recall.
- Q So you've never really talked with friends or relatives or acquaintances about whether the oil companies might be at the root of this bad water problem, is that right?
 - A That's right.
- Q Rene Martell was here yesterday, and he was deposed, and he told us that he was aware of a lawsuit back twenty years ago probably in which Murphy Oil, an oil company working out of Poplar oil fields, was sued by a farmer by the name of Bud Lien over ground water contamination. Did you ever hear about that lawsuit?
 - A I heard about it through him.

1 Q Through Rene? 2 Α Um-hm. Yes. 3 When did Rene tell you about that? 0 4 Α When he approached me about this lawsuit. 5 What did he tell you about that, the previous Q 6 lawsuit? 7 Α He said -- you mean, the Bud Lien one? 8 Q Yeah, the Bud Lien. 9 Α He just mentioned it to me, and he asked me if I had heard about it. And I said, no. 10 11 Q So the first you'd heard of it was from Rene? 12 Α Yes. 13 0 What was Rene saying about the Bud Lien case? He didn't have too much to say. He just asked me 14 Α 15 if I had heard about that lawsuit, and I told him no. 16 Did he say anything else about it? Q 17 Α No. 18 Did he tell you what the outcome was? 0 19 Α No, he didn't. 20 Have you ever talked, to the best of your 0 21 knowledge, to any Marathon Oil employee? 22 Α No. 23 0 How about Texas Oil and Gas? 24 A No. Are you aware of any wells owned or operated by 25 0 26 either of those companies? 27 Α No.

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FOR THE DISTRICT OF MONTANA
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                     Defendants.
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                                        Judge Jack D. Shanstrom
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    MESA PETROLEUM and PIONEER NATURAL RESOURCES, USA, INC.,
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                     Defendants/
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        Third Party Plaintiffs & Cross Plaintiffs,
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                                            TRIVIAN GRAINGER
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INC.; WESTDALE
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PETROLEUM INC.;
PRUDENTIAL GROUP,
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                                                                                 U.S. Bureau of Indian Affairs Lease
             vs.
                                                                                 Renz-Fort Peck Housing Authority . . . . . . . . .
מכו
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    JOHN DOES 4-50,
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               Cross-Defendants.
22
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        TIME:
                  Tuesday, June 12, 2001 at 2:11 p.m.
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        PLACE:
                  Sherman Motor Inn, 200 East Main, Wolf Point, MT
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                             APPEARANCES
                                                                                BE IT REMEMBERED: That the oral deposition of
 2
             ATTORNEY FOR PLAINTIFFS:
                                                                         2 TRIVIAN GRAINGER was taken at 2:11 p.m. on the 12th day of
                  Richard J. Dolan, Esq.
GOET2, GALLIK, BALDWIN & DOLAN, P.C.
The Ketterer Building
 3
                                                                          3 June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf
 4
                  35 North Grand
P.O. Box 6580
                                                                          4 Point, Montana, with the appearances of counsel
                  Bozeman, Montana 59771-6580
                                                                          5 hereinbefore noted, before Joann D. Heser, Official Court
 6
                                                                         6 Reporter and Notary Public for the State of Montana.
             ATTORNEY FOR MURPHY EXPLORATION & PRODUCTION COMPANY:
                                                                         7
                                                                                The following proceedings were had:
                  Michael E. Webster, Esq.
CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH
490 North 31st Street
Billings, Montana 59101
 8
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 9
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                                                                            Whereupon,
10
                                                                                            TRIVIAN GRAINGER,
                                                                         10
             ATTORNEY FOR MARATEON OIL COMPANY:
11
                  Gerry P. Fagan, Esq.
MOULTON, BELLINGHAW, LONGO & MATHER, P.C.
Suite 1900, Sheraton Plaza
P.O. Box 2559
                                                                        11 called for examination, and being first duly sworn upon her
12
                                                                        12 oath, testified as follows:
:3
                  Billings, Montana 59103
                                                                        13
                                                                            EXAMINATION BY MR. FAGAN:
14
                                                                        14
                                                                                Q Hi, Trivian. My name is Gerry Fagan. I represent
             ATTORNEY FOR PIONEER NATURAL RESOURCES COMPANY:
15
                  John Walker Ross, Esq. BROWN LAW FIRM, P.C.
                                                                        15 Marathon Oil. I hope you don't mind me calling you
16
                  P.O. Drawer 849
315 North 24th Street
Billings, Montana 59103-0849
                                                                        16 Trivian?
17
                                                                         17
                                                                                A No.
18
                                                                        18
                                                                                Q Am I pronouncing it right?
             ATTORNEY FOR SAMSON HYDROCARBONS:
19
                  Robert L. Sterup. Esq.

DORSEY 4 WHITNEY

1200 First Interstate Center

401 North 31st Street

P.O. Box 7188
                                                                        19
                                                                                A Yeap.
20
                                                                        20
                                                                                Q Have you ever been deposed before?
21
                                                                        21
                                                                                A Yes.
22
                  Billings, Montana 59103
                                                                        22
                                                                                Q What context was that in?
23
                                                                        23
                                                                                A It was a lawsuit I had against Yellowstone County.
24
                                                                        24
                                                                                Q Excuse me, against Yellowstone County, wherein you
25
                                                                        25 were plaintiff?
26
                                                                                A Was it what?
                                                                        26
27
                                                                        27
                                                                                Q It was a case against Yellowstone County, is that
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op-	3235 %C V 76 106 BEG 3BS
Page 5	Page 7
1 correct?	1 give you a break.
2 A Yes.	2 A Alright.
3 Q And you were a plaintiff?	3 Q We're not trying to trip you up on something
4 A Um-hm. Yes.	4 you've already said and you're going to give us different
5 Q What was the case about?	5 dates. Do you have other family members involved in this
6 A Um, wrongful death.	6 lawsuit?
7 Q Involving who?	7 A My daughter, Denise.
8 A Involving my husband.	8 Q And I think we deposed her yesterday. Have you
9 Q Explain the circumstances a bit.	9 talked with her?
10 A He committed suicide while he was in jail.	10 A Um, yeap, I have.
11 Q In Yellowstone County?	11 Q About the deposition?
12 A Yes.	12 A Yes.
13 Q What year was that?	13 Q What did you talk about?
14 A In '95.	14 A Um, I just asked her how many lawyers there were
15 Q And what was the outcome of that case?	15 and where it was at, because I didn't know where to go to.
16 A We settled out of Court.	16 Q If it was scary and that kind of stuff?
17 Q Have you ever been deposed any other time?	17 A No, I'd already been through it before. It's
18 A No.	18 always scary, I guess.
19 Q So do you understand what we're doing here today	
20 and how a deposition works?	20 issue in this case?
21 A Yes.	21 A I inherited it when my husband died.
22 Q That you're under oath?	22 Q And do you own it in fee?
23 A Yes.	23 A Yes.
Q If I have any questions that confuse you or you	24 Q And how many acres do you have?
25 don't understand it, please just stop me from	25 A There's twenty there. I own half.
26 A Alright.	26 Q You own half of the twenty?
27 Q Make sure I phrase it correctly. You received a	27 A Yes.
28	28
Page 6	Page 8
1 notice of the deposition today?	1 Q And who do you own it with?
2 A Yes.	2 A My niece.
3 Q And it asked you to bring any documents that might	3 Q What's her name?
4 be relevant?	4 A Marissa Buckles.
5 A Yes, he did.	5 Q And does she live on the property?
6 Q Did you bring any?	6 A No.
7 A No, I didn't.	7 Q But you do, right?
8 Q So you don't have any relevant documents that you	8 A Yes.
9 haven't already given to Mr. Dolan?	9 Q How long have you lived on the property?
10 A No.	10 A Since 1983.
11 Q What's your occupation?	Q And who do you live there with?
12 A I'm a teacher in the Head Start program.	12 A I live with my three sons and my daughter.
13 Q How long have you been a teacher?	Q Are they all plaintiffs in this case?
14 A Twenty-five years.	14 A Yes.
15 Q What kind of education do you have?	15 Q Have they all lived on there the entire time that
16 A Um, right now I'm working towards my A.A. in	16 you've lived on there?
17 education?	17 A Yes.
18 Q What is an A.A. in education? What does that	18 Q And they all live on there still?
19 stand for?	19 A Yes.
20 A Associate of Arts or something, I don't know. I'm	20 Q All in the same home?
21 nervous.	21 A Yeap.
22 Q You don't need to be nervous. If you need to take	22 Q Where did you live before moving onto the
23 a break at any time, just tell us.	23 property?
24 A I've got all these dates in my head that I'm	24 A We lived in town in Poplar.
25 trying to keep straight.	25 Q And so you went from Poplar to the property in
26 Q Just take your time and It's not a test, so.	26 '83, is that right?
•	,
127 And it you need a dieax, fust ten us, and we it tertainly	
27 And if you need a break, just tell us, and we'll certainly 28	27 A It's about five miles out. 28

Deposition of Trivian Grainger	CondenseIt	Cause #CV 98-108-BLG-JDS
	Page 9	Page 11
1 Q How many water wells do you have on the	e property?	A Yes.
2 A Um, two.	2	Q And does Denise have M36? Does that sound right?
3 Q And are they	.	A Um, I really don't know what her's is.
4 A Three with Denise's.	4	Q Where's your well in relation to your house?
5 Q And which two do you have, are they m		A Just a few feet north.
6 wells? Do they have a designation?		Q And where is your septic tank?
7 A Well, there's an old well there that was the		A It's southeast a few feet southeast of the
8 years before we moved. And when we got our h		
9 they put a different well there for us. And then		Q And I think we established that that well M38 was
10 had a separate well.		lled in 1989, is that correct?
11 Q So the two wells you're talking about or	•	A Yes.
12 property, one of them		Q What caused you to drill a new well in '89?
13 A All three of them are.		A Housing said they had to do that. I don't know.
14 Q Yeah, excluding Denise's.		t Peck Housing. They said everybody had to have a new
15 A No, Denise leases from me. She's living	on my 15 we	ll and, um, I just went along with it.
16 land.	16	Q You hadn't contacted them in advance about the new
17 Q Okay. So there's three wells total. One o	them 17 we	1?
18 is Denise's. Two of them are for your use. Is th	at right? 18	A Well, see, when we were going to have the house
19 A I don't use one.	19 bui	It there, they said they were going to drill us a new
20 Q That's the old one.	20 we	
21 A Um-hm. (Indicates yes.)	21	Q Were you building a new house in '89?
22 Q Is that one capped over or closed up?	22	A That's the one we moved into, yeah. Must have
23 A Nope.		n in '88, because we moved in '89.
24 Q It's still there, you just don't use it?	24	Q You moved into the property in '83, right?
25 A We have it separate. It's by some corrals		A Yes.
26 we used to water our horses.		Q Where did you live at from '83 to '89 then?
27 Q But you don't use that well for any purpo		A Just a few feet north.
28	28	
	Page 10	Page 12
1 A No.	_	Q Of where you live now?
2 Q When was the last time you used that		A Yes.
3 anything?		Q So was it a trailer or an old house?
4 A In '95.		A It was a double-wide trailer, yeah.
5 Q And what purpose was that?		Q So in '89, you built a new house and got rid of
6 A It was for watering the horses.		trailer?
7 Q And did you quit in '95 and start usin		A Around '88, because we moved in '89.
8 well?		Q So in conjunction with getting a new home, you got
9 A No, the separate well we were using f		ew well, too?
10 was since 1989 when I moved into our hour		A Yes.
	9	Q Now, when you moved onto the property in '83, how
11 Q When made you quit using the other v		
1		s the water, the quality?
13 A We sold our horses, and I had no use		A It was pretty bad. It was but that came from
Q So you no longer have horses to water	·	water we had then in '83 was coming from the old well.
15	15	Q And that was the water quality was pretty bad
16 A No.	16 in	
17 Q So, just so I understand, so I'm clear,		A The water quality was bad in '83. Oh, yeah.
18 well, after you drilled your new well in 19		Q In terms of what, what was bad about it?
19 used the old well to water your horses?		A Well, you couldn't use the water to wash clothes.
20 A Since '89?	T T	u-couldn't it was alright to drink. I mean, at least,
21 Q Um-hm.	21 we	drank it at the time because there was no other choice.
22 A Yes.		appose we could have hauled water, I don't know. But,
23 Q And then when you got rid of your ho	rees in '05 22 ans	way, we couldn't use it for anything. When you tried
24 you quit using that old well all together?	1303 111 93, 123 au	
la-	- 1 -	tering your grass, trees, whatever, they didn't grow.
25 A Yes.	24 wa	tering your grass, trees, whatever, they didn't grow. ything you planted, a garden, wouldn't grow.
25 A Yes. 26 Q What is the designation of the well	24 wa 25 An	

1 Q The damages, Trivian, that you allege you have 2 from the bad water, ----3 Α Yes. --- what would those damages be? Could you tell 4 5 What kinds of things do you think you need to be 6 compensated for? 7 Well, I really don't think that anybody could put a price on our health; because if we are exposed to cancer, 8 9 I could care less about myself. I'm 53 years old; but I 10 have a five year old granddaughter that lives in my home, 11 and I would sure hate to see her develop anything. And, I 12 mean, it affects my children more than it does me, because 13 I have -- Like I said, I'm 53. I can't say that it's going to -- it's going to effect me two years down the road 14 15 or whatever. But I don't think there's anything that can 16 replace your health. I mean, if it's gone, it's gone. 17 Your concern about cancer, where does that come from? 18 19 From that benzene, that report that Denise showed 20 me. 21 That she mentioned? It's the same benzene that Q 22 was in the ground water someplace in the area. 23 Α It was also in the Tribal paper. 24 When was that? 0 25

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A I remember reading about it, but I was trying to find that paper and I couldn't find it. But it was in our -- because people were asking me about it. It had all our

- Page 25 1 names in there, and my name was in there. 2 Was it about this lawsuit? 3 It wasn't about the lawsuit, it was just that EPA 4 mentioned about the bad water. 5 Is that where your concern for cancer arises is 6 this report from the EPA that there may be benzene in the 7 Is there any other -- anything else that makes you 8 worried about contracting a disease? 9 No, just about the water and that benzene being in 10 the water. 11 Do you have any physical injuries at all? Q 12 Α No. 13 How about your kids? 0 14 Α No. 15 Do you have any idea what the property value of 16 your place is? 17 No, I don't. 18 Do you think it's gone up or gone down, stayed the 19 same? 20 I really couldn't say. 21
- MR. FAGAN: I think I have no more further questions for you, Trivian. Thank you.

EXAMINATION BY MR. ROSS:

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Q Trivian, my name is John Ross. I represent Pioneer Natural Resources, the successor to Mesa Petroleum in this lawsuit. You have in front of you a map that's been marked as Exhibit 1, and I'd like for you to write on

there where your place is located. Now, if I understand correctly, you've indicated that your new well is M38, is that correct?

- A Um-hm. (Indicates yes.)
- Q Now, if you look at Exhibit 1, it shows M38 and also shows an M37; and they're both in the northeast -- or excuse me, northwest corner of Section 33. Do you see that?
 - A Um-hm.

- Q You have to answer yes or?
- A Yes. I'm sorry.
- Q So if you would, I'd appreciate it if you'd take a pen and just write your name by the well that you had drilled, which is M38, is that correct?
 - A Yes.
- Q And you just write your name right there, and then maybe put a parens M38 after it. That'd be. . .
 - A (Deponent marks the map.)
- Q Okay, thank you. Now, still looking at Exhibit 1, Exhibit 1 shows that M37 and M38 are right next to each other. On the ground, approximately how far apart are they? I think your testimony earlier was that you drilled the newer well right about where the old well was, is that
 - A Just a few feet.
- Q Okay, so it's just a matter of a few feet. And then Denise's well, which I think is M36 -- again, I think

you've testified it's about a football field away? 1 2 Α Yes. 3 I think you also testified, or let me ask you if 4 you testified, that there are a number of oil wells within the vicinity of your house, is that correct? 5 6 Α Yes. 7 Are you familiar with the names or the companies 8 that operate any of those wells? 9 Α No. 10 Where are some of those wells located in respect 11 to your house? When you say they're in the vicinity of your house, what direction are they from your house? 12 13 A North. 14 Are you aware if there are any to the east? 15 To the northeast. A I'll show you a map that USGS has prepared that 16 17 shows oil wells on it. Again, if we locate your premises there in the northeast corner of Section 33, is that 18 19 correct? 20 Α Um-hm. Yes. 21 Now, on this map it shows the Ajax well in Section 33. Are you at all familiar with that well? 22 23 Α No, I'm not. 24 How about the Mapco well in Section 34. Are you familiar with that? 25 26 Α No.

How about the Amarco Schmidt well in Section 27,

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1 I guess that is. Are you familiar at all with that well? 2 Α No. 3 How about the Murphy 63? Are you at all familiar with that? 4 5 There used to be a place where we went fishing, 6 and I'd see these oil wells, and it would have Murphy on 7 there is all. And there was about three, four of them. 8 How about the Mesa well, are you at all familiar 9 with that? 10 Α No. 11 Have you ever heard anything about a hot water 12 pipeline running from the east Poplar oil field in towards the town of Poplar? 13 14 Α No, I haven't. Do you know how many times your well M38, I 15 16 believe it is, has been sampled? 17 No, I couldn't really say. 18 THIS TIME, THE COURT REPORTER MARKED DEPOSITION 19 EXHIBIT 32 FOR IDENTIFICATION PURPOSES.) 20 (By Mr. Ross) I'll show you what's been marked as Exhibit 32. Have you ever seen that before or a copy of 21 that? 22 23 (By Deponent) Α No. 24 How about page 2, have you ever seen that? Q 25 Α No. (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION EXHIBIT 26 33 FOR IDENTIFICATION PURPOSES.)

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(By Mr. Ross) I'll show you what's been marked as 1 0 2 Exhibit 33. Can you tell us what that is? 3 Α (By Deponent) That's the lease, I guess, on where the house is, isn't it? 4 5 Who is Francis P. Renz, do you know? 6 That was my husband's grandfather, I believe. 7 MR. ROSS: I have no further questions. Thank you. 8 EXAMINATION BY MR. STERUP: 9 0 Trivian, my name's Rob Sterup. I represent Samson Hydrocarbons. Who built the new house that was constructed 10 11 in 1989? 12 A The Fort Peck Housing. 13 Who owns that house at the present time? I would imagine -- well, I do, but -- well, the 14 Α 15 Housing, um -- I own it, but the Housing is still -- has part of it, I guess. 16 17 Are you making -----0 I'm not through paying for it yet. 18 Α 19 You're making payments to the Housing Authority? Q 20 Α Yes. Do you know when you'll make the final payment? 21 Q 22 Α No, I don't. 23 Who lives in your household at the present time? Q 24 Α My daughter and my three and sons my 25 granddaughter. 26 You say a granddaughter. What is the 27 granddaughter's name?

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- A Jordan.
- Q Whose child is that?
- A My daughter Dawn's.
- Q How old is Dawn?
- A She's thirty -- She was born in '69 -- 32, 33.
- Q How old is Jordan?
- A Five.
- Q There's a Jordan Grainger identified in the complaint and that would be Dawn's ----
- A Daughter.
 - Q --- daughter. At the time the new house was built in 1989, you knew the water quality was poor, I take it?
- A Yes.
 - Q How does it happen that you decided to put up a new house on the site at a time when you knew the water quality was poor?
 - A Well, it was our land, and we wanted to live there. We didn't want to live in town anymore.
 - Q So having weighed the pros and cons and realizing the water quality was poor, you decided, let's go ahead and live here even though the water isn't as good as we'd like it to be?
 - A Well, I thought maybe a new well might have -- might have better luck with a new well or -- The water would be better.
 - Q And that turned out not to be the case, I take it?
- 27 | A No.

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1 Q Have you ever spoken so far as you can recollect, 2 with anyone from either Grace Petroleum or Samson 3 Hydrocarbons? Α No. 4 I have nothing further. 5 MR. STERUP: 6 EXAMINATION BY MR. WEBSTER: 7 Trivian, my name is Mike Webster, and I represent Q Murphy Exploration in this case. Have you ever talked to 8 9 any of the Murphy -- any employees or representatives of Murphy that you're aware of? 10 11 Α No. At least about water quality you haven't? 12 0 Α No. 13 14 Q How old is your son, Daniel? Eighteen. 15 Α And how about Adam? 16 Q 17 Α Seventeen. And David? 18 Q 19 Α Twenty-four. 20 And they have lived -- and Dawn, you said, was 32 Q -- or 31? 32? 21 22 Α Thirty-two. 23 David and Dawn, have they always lived at home? Q Dawn was living in town by herself for a while. 24 Α So she's not lived there the entire time but she's 25 26 back there now? 27 Α Yes.

3 Had she been gone for an extended period of time? 0 4 Α Just about a year. 5 About a year. So she lived with you 'til she was Q 6 27, 28, 7 Α Yes. 8 --- left for a year or two, and then came back? 9 A Yes. 10 The property that you own, do you know the legal 0 11 description for it? 12 Α No, I don't. 13 0 Are you sure it's a 20 acre tract? 14 Yes. Α 15 0 The Fort Peck Housing Authority lease, does that cover just a portion then of the property that you own? 16 17 Α Two acres. 18 How does that work? Two acres. You own the 19 property -- I guess I'm confused on how those work. 20 I really don't know either. But, they lease two acres that they put the house on until you pay it off. 21 And that's sort of their security -- it's almost 22 Q 23 as if they've taken a mortgage then on the property? 24 If you don't pay for the house, then they can -they can move the house off or whatever. 25 26 And I don't recall, did you testify, is this 27 property owned in fee status or is it owned in trust 28

Do you know when she moved back with you?

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Α

Two years ago.

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status?
 1 |
 2
          Α
               I'm not sure.
 3
          Q
               Do you pay taxes? Do you pay ----
 4
          Α
               Oh, no.
 5
               --- property taxes on this property?
          Q
 6
          Α
               No.
 7
          Q
               Okay, well, then it's trust.
 8
          Α
               It's in trust.
 9
                       And your testimony is that you haven't
          Q
10
     drank the water since 1989? Is that -- or around there?
11
               At least ten years.
12
          Q
               At least ten years. So, maybe 1991 perhaps.
13
               Yes.
          Α
14
          Q
               And you've had bottled water since that time?
               Yes.
15
          Α
16
               Are you receiving bottled water now?
          Q
17
          Α
               Yes, we are.
18
          Q
               And is it -- are you having to pay for it or is it
     provided to you?
19
20
          Α
               No. No.
21
          Q
               Is that working out fairly well then?
               Yes, it is.
22
          Α
23
               The deliveries are timely ----
          0
24
          Α
               Yes.
25
          Q
               --- and there's plenty of ----
26
          Α
               Every Friday.
27
               And the water is sufficient for your drinking ----
          Q
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- A Yes.
- Q --- and those purposes?
- A Cooking.
- Q Have you ever had any trouble with your septic system at your home?
 - A Well, within the last year, I think three times.
 - Q Not before then, though, that you can recall?
- A Oh, no, at least once a year, we have to call someone to come out.
- Q And then they'd pump it out and it works fine for -- or is that what you mean or does it ----
- A Not pumping it. No, they have to replace all the pipes and what not going to the house.
- Q And that happens on a yearly basis with your septic system?
 - A Almost. Almost.
- Q How do you know when that problem -- how do you know when they're in need of replacement? Do the toilets and the drains quit working or what?
- A No, it -- all of a sudden, we see a big wet spot on the ground there, and the water is just actually coming up from the ground.
- Q And that's when you know then that the septic system is not working properly?
 - A One of the pipes has burst or rotted away.
 - Q And that's been going on for how long? Is that

1 since you moved into the property that -- kind of an on-2 going yearly problem? At least five, six years. 3 4 Any time before then? When your husband was still 5 alive, did the same problems happen? 6 A Yes. 7 Q Do you recall whether those problems arose back when you were -- when you first moved into the house? We used to have that trouble when we were living Α 10 in the trailer -- trailer house. 11 Is the trailer -- the location where that trailer 12 was, is that close to where your house is now? 13 Α There's only a road and then you just walk across. It's just a few feet to where the house is. 15 Q So when you lived there before your new house was 16 built in the trailer, you had septic system problems? 17 A Yes. 18 When you built the new house then, was there a 19 period of time where there weren't problems or did that 20 same hold true fairly quickly? 21 Α Well, probably the first three, four years it was 22 alright -- maybe three years. 23 And each time you have these problems then, does 24 someone come out and dig it up, put in a new one, and -----25 Α Yes. 26 Have they told you why you keep having these 27 problems?

They told us that, because of the water, it was --1 | Α they were either -- pipes were ever rotting away or --2 That's mainly what they said that it was rotting away, the 3 4 The pipes were just giving out. 5 Have they tried to put in different types of pipes or different -- do they just keep putting back in the same 6 kind of pipe year after year, do you know? 7 8 Α I really don't know. 9 Do you know who does that work for you? Q 10 Α The Enterprise, Fort Peck. The Housing Authority group? 11 Q No, it's a different -----12 Α 13 I mean, that's who, though, the Housing Authority Q 14 15 Α It's through the Tribes. Do you know how much salt do you generally use per 16 week in your water conditioner? 17 It takes five bags to fill the tank, and, um --18 19 and we have to fill it about twice a month. 20 Do you have any fuel tanks or any gasoline tanks Q 21 or anything like that on your property? Α 22 No. There's not a 250 gallon tank there that you can 23 24 fill up your cars with or anything like that? 25 Α No. 26 Is there a shop or a work place or anything like Q 27 that on or near your home?

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	inge 3,
1	A I have a quonset building there, but there's
2	Q Is anything kept in there?
3	A No. It's just mainly for we keep our cars or
4	whatever in there when the weather gets really bad or.
5	Q Okay. You don't store anything else
6	A No.
7	Q unusual in there?
8	A No.
9	MR. WEBSTER: I think that's all I've got.
10	MR. DOLAN: I have no questions. I guess you're done,
11	Trivian.
12	(THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN
13	CONCLUDED AT 3:15 P.M.)
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1 CERTIFICATE 2 STATE OF MONTANA ss. 3 COUNTY OF ROOSEVELT I, JOANN D. HESER, Official Court Reporter, Fifteenth 5 Judicial District, and a Notary Public duly qualified in and for the State of Montana, hereby certify there came before me the 6 7 deponent herein, namely TRIVIAN GRAINGER, who was by me duly sworn to testify to the truth and nothing but the truth 8 9 concerning the matters in this cause. 10 I further certify that I was the Official Court Reporter 11 who reported, by means of LANIER recorder, this deposition. 12 testimony therein and other proceedings herein contained are a 13 true and correct transcription of the original tapes and my notes, TO THE BEST OF MY ABILITY. 14 15 I further certify that I am not related in any manner to 16 any party, witness, or counsel and have no financial or other 17 interest in the outcome of the above entitled cause. 18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed 19 my Notarial Seal this 27th day of June, 2001. 20 21 NOTARY PUBLIC 22 My Comm. exp. 7/2/200423 24 25

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1,	<u>DEPONENT'S CERTIFICATE</u>
2	I, TRIVIAN GRAINGER, do hereby certify that I have read the
3	foregoing transcript of my testimony and that the same is a
4	full, true and correct record of my deposition except as to any
5	corrections I have listed on the Corrections to Deposition form.
6	Changes and corrections made.
7	No changes or corrections made.
8	
9	
10	TRIVIAN GRAINGER
11	Subscribed and sworn to before me this day of, 2001.
12	
13	
14	NOTARY PUBLIC for the State of Montana Residing at, Montana
15	My Commission expires
16	
17	_
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The Deponent, the following chan	CORRECTIONS TO DEPOSITION TRIVIAN GRAINGER, states she wishes to ges in testimony as originally sworn: SHOULD READ RI	make EASON
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Page 13 A Well, it -- yeah, it took a little bit of the rust Q So from the very start when you got on that 2 out, but not -- we never could hardly -- we never used the 2 property, the water wasn't very good? A Yes. 3 washer and the dryer very much because it left these big, 14 Q But you did drink it because you had no choice? 4 kind of like oil stains or grease stains or something on 5 Q And how long did you drink the water out of that 6 Q Did you ever notice a greasy film on the water? 6 7 well? A Oh, yeah. If you made tea or, you know, 7 A Um-m. 8 8 something, there'd always be that heavy film on the top. 9 O The entire time until you drilled the new well in O Even from '83 on? 10 '89? 10 A Yeap. I would have to say way back then. 11 11 Q Did that concern you at all? Did it worry you O Did that water have a -- any kind of a taste to 12 12 about -- make you worry about your health in terms of 13 it, a certain taste? was it salty? 13 drinking it? A It didn't seem to be at first, no. 14 A Well, we were always concerned about the water 15 O Did it become later? 15 but, I don't know, like I said, back then we just figured -16 A It started getting a little bit worse later on. 16 - I mean, I don't know, I thought it was from the old well. 17 I mean, being that old. And so I thought it would clear up 17 Q This is later in the '80's? 18 A It had a funny smell to it. 18 more after we were getting our new house, but it never did. 19 O Can you describe that smell? Q Did that make you wonder why? 20 A Oh, kind of a -- I don't know. The only way I can A Oh, yeah, it did, but I don't know. Like I said, 21 describe it is if you drive by a sewer lagoon or something 21 if you run the water long enough, some of it seemed to 22 and -- is what it smelled like. You'd have to run the 22 clear a little bit. 23 water for a while. Turn the faucet on and leave it running 23 Q Did you ever wonder why it was caused like that --24 for a while in order for it to get a little bit clearer. 24 what might have caused the water to be of that quality? 25 It was kind of a blackish colored. Who could be responsible for it, if anybody? Q Did you have any rust color in it? any orange A Well, we never lived in the country before. We 26 26 27 color? 27 hadn't ever lived in the country before so I just assumed 28 28 Page 14 Page 16 A If you used the hot water, it poured out the rust 1 that's how the water was. 2 more. But if you just ran cold, it wasn't as bad. You Q Did you ever talk with any neighbors or friends or 3 didn't really notice it that much. 3 relatives about their water? Q But even when it was cold, you still got the black 5 flecks in it? Q Did you ever talk to Tribal officials or health A Yes. 6 officials? O And that was from the very start from '83? A No. 7 Q Did you ever have water samples tested? Q Now, when you drilled a new well in '89, what was A I don't think until -- I don't -- I really don't 10 that water like? 10 know. I can't remember. My husband used to do all that. ij A It was about the same. 11 He did everything, so I was always just going about my Q Same quality? 12 business. 12 A Yeah. But then we had our water softener put in. 13 13 Q You know, in terms of the water? 14 too, so. A I mean, if there's something bothered him or O Was that in '89? 15 15 bothered us, he would always take care of it. I never had A In '89. 16 16 to do any of that until '95. 17 Q Did that make a difference? 17 Q And what's your husband's name? 18 A It seemed to. 18 A Howard. 19 Q And do you still use that? Q And when did he die? 19 A We're still using it. 20 20 A In '95. Q And in conjunction with drilling a new well and 21 21 Q So then did you take over those kind of things? 22 building a new house, you put in a water treatment system? 22 A Yes, I had to. 23 23 Q Did you start talking with people in '95 about the 24 Q And that was, hopefully, to address the problems 24 water? 25 you'd been having with the well, with the quality? 25 A No, because our softener seemed to take care of A We thought it would. 26 some of it, but -- I never really talked to our neighbors. 26 27 Q And did it help for a while? 27 I mean, we're not that close. We live miles apart, and I

1 guess I never really -- I'm kind of a loner. I don't 2 really associate that much with them.

O Did you ever wonder if maybe the oil field 4 activity might be causing the water to be bad?

A I know they're all around the house there, but --6 I don't know. I guess I never really paid any attention

Q Sounds like you never really thought of the cause 9 to much. You didn't really -- It wasn't something you 10 dwelled on?

A No, we got a report sometime in -- oh, I think it 12 was in '90 sometime, anyway, about -- Well, they came 13 over to test our water was what happened.

Q Who was that? Who was they?

15 A Ah-h, some people from the Tribe. I really don't 16 know if it was Deb Madison's office or -- or they've had 17 something to do -- I don't know who they were. They just 18 asked if they could test our water, and they took some 19 samples.

20 A And do you recall when that was approximately?

A 1 think it was in ninety -- have to been past '95 21

22 'cause my husband wasn't there.

Q Was that the first you heard of somebody wanting 23 24 to test your water?

25 A Um-hm. Yes.

26 Q And how's the water from M38 changed since '89?

27 Has it gotten worse, stayed the same, gotten better?

Page 18

A Since '89? ì

2

Q Um-hm, since you drilled it?

A Well, like I said, it seems to be more oily and 4 salt -- salty. You can't drink -- You know, you have to 5 leave your water running. We haven't drank that water for 6 years. But you have to leave it running and running, and

7 some of it clears up. Q When do you think you quit drinking that water, 8 9 Trivian?

10 A Um, I'd have to say at least ten years ago.

11 Q In the last ten years, what did you use for

12 drinking water then?

13 A We'd haul our water.

14 Q Did you go to town and buy it, bring it back?

15 A Yes.

Q Now, in one of the documents that Mr. Dolan 16

17 supplied to us, he says that the Graingers stopped --

18 referring to your family -- stopped drinking the water 19 around mid 1999.

20 . A Ninety-nine?

21 Q Is that wrong? Do you think it's a typo, meant to 22 be '89?

23 A It has to be because I know it's been over about

24 ten years or more.

25 Q So since 1989, have you used the water for other 26 purposes?

27 A Just bathing, washing dishes. 28

Q Did you ever notice any skin problems from using 2 the water to bathe?

A Well, a lot of us have developed rashes every now 4 and then, but,

Q And do you blame bathing in the water on that? or 6 for that?

7 A I haven't gone to the doctor. I never asked them

8 if that's what it was, but I know. . .

Q So you never discussed the rashes with a doctor?

10 A Um, no. I haven't.

Q Had any things like open sores on your body or any 11

12 of your family members from bathing?

13 A No.

14 Q How about dry skin?

15 A Well, dry skin, sure, but you can blame the

16 weather for that, too, I guess. I don't know.

17 Q How close is Denise's house to your house?

18 A About -- it's walking distance.

19 Q She testified yesterday that she thought it might

20 be about a football field away. Does that sound

21 reasonable?

22 A That's about right.

23 Q And it sounds like your two wells, yours and the

24 one that Denise uses, M38 and M36, are about the same

25 distance as the houses?

A Yes.

26

5

27 Q Do you know what kind of water Denise has? 28

A I remember when the guy put in my service soft

2 tank, he said -- um, he put one in for Denisc, too. And he

3 said, your water's pretty bad, but, he said, your

4 daughter's is worse. That's all he said.

Q Have you ever talked with Denise about it?

A No, not really. We just keep buying the salt and

7 keeping our tanks full and. . .

Q I think you said that you no longer watered the

9 horses beginning in 1995, is that right?

A We sold them. 10

Q How about irrigating or watering gardens and 11

12 plants and things like that?

A No, by then I had quit trying to grow a garden

14 'cause it would never grow.

Q Even -- is this going back to 1983? 15

A We started in '83 trying to. 16

17 Q And even from then, you just couldn't get it to

18 grow?

19 A No.

20 Q When do you think you gave up on trying to get it

21 to grow?

A Maybe eight years or so after that. 22

Q Maybe around 1990 then? 23

24 A Around there, in '91 maybe.

25 Q Do you know how many water samples have been taken

26 from M38 in total?

A From? 27

28

Page 20

Deposition of Trivian Grainger	Conden	sclt!	м 	(Cause #CV	V 98-108-BLC	G-JDS
	Page 21					P	age 23
1 Q From your well?	ł			ugh Rene?			
2 A You mean, since we've been there?	ļ			ım. Yes.			
3 Q Um-hm. (Indicates yes.)	İ	3 Q	Wher	n did Rene	tell you abo	out that?	
'4 A' I really don't know.	1	4 A	Wher	n he approa	ched me ab	out this lawsuit.	
5 Q Have you ever heard if there was any indic	ation					t that, the previo	ous
6 that there's benzene in that well?		6 laws				,	
7 A Yes.		7 A	He sa	id vou n	nean, the Bu	ıd Lien one?	
8 Q You have heard that there is an indication	of			, the Bud L		•	
9 benzene?						and he asked me	· if I
10 A Yes.					nd I said, no		. 11 1
11 Q When was that? When did you hear about t						it was from Rene	2
12 A My daughter came back and told me about i	L		Yes.	c mst you	d ficald of i	it was mom Kem	: :
13 was working for Environmental Health at the time	ľ			uma Dono	and a share	at the Dud Lieu.	2
1	The state of the s					ut the Bud Lien	
14 said, she wanted to move off from move away -						say. He just ask	
15 of there. And I said, why? And she said, I think					-	and I told him no	0.
16 exposing my kids to cancer. And I said, what ma				ie say anyti	hing else ab	out it?	
17 think that? And she brought out a report and show		7 A	No.				
18 me. I tried to find the report, but I couldn't find	lit 1	8 Q	Did h	ie tell you i	what the out	tcome was?	
19 today.	1	9 A	No, h	e didn't.			
20 Q Do you recall which party had produced	that 2	0 Q	Have	you ever	talked, to	the best of yo	ur
21 report? Was it a USGS report or	12				rathon Oil e		
22 A Ken Hull.	2		No.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
23 Q And it said that your well, M38, had benzer				about Texa	as Oil and C	7257	
24 A No, it just said that in the east Poplar oil			No.	uoout rext	25 On and C	Ju.J.	
25 field.					of any walls	ourned or open	atod bu
	12	o Q				owned or opera	ated by
126 O So in the area?	اء	c aith	- af the				
26 Q So in the area?				ose compar	nies?		
27 A Um-hm. (Indicates yes.)	2	7 A	r of the No.	ose compar	nies?		
I	2 2	7 A		ose compar	nies? 		
27 A Um-hm. (Indicates yes.) 28	Page 22	7 A 8	No.				age 24
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A I heard about it through him.

27

28

27 -- because people were asking me about it. It had all our

Page 27

Page 28

Page 25

1 names in there, and my name was in there.

- 2 Q Was it about this lawsuit?
- A It wasn't about the lawsuit, it was just that EPA mentioned about the bad water.
- Q Is that where your concern for cancer arises is 6 this report from the EPA that there may be benzene in the 7 area? Is there any other -- anything else that makes you 8 worried about contracting a disease?
- 9 A No, just about the water and that benzene being in 10 the water.
- 11 Q Do you have any physical injuries at all?
- 12 A No.
- 13 Q How about your kids?
- 14 A No.
- 15 Q Do you have any idea what the property value of 16 your place is?
- 17 A No, I don't.
- 18 Q Do you think it's gone up or gone down, stayed the 19 same?
- 20 A I really couldn't say.
- 21 MR. FAGAN: I think I have no more further questions for
- 22 you, Trivian. Thank you.
- 23 EXAMINATION BY MR. ROSS:
- 24 Q Trivian, my name is John Ross. I represent
- 25 Pioneer Natural Resources, the successor to Mesa Petroleum
- 26 in this lawsuit. You have in front of you a map that's
- 27 been marked as Exhibit 1, and I'd like for you to write on

Page 26

- 1 there where your place is located. Now, if I understand 2 correctly, you've indicated that your new well is M38, is
- 3 that correct?
- 4 A Um-hm. (Indicates yes.)
- 5 Q Now, if you look at Exhibit 1, it shows M38 and
- 6 also shows an M37; and they're both in the northeast -- or 7 excuse me, northwest corner of Section 33. Do you see
- 8 that?
- 9 A Um-hin.
- 10 Q You have to answer yes or?
- 11 A Yes. I'm sorry.
- 12 Q So if you would, I'd appreciate it if you'd take
- 13 a pen and just write your name by the well that you had
- 14 drilled, which is M38, is that correct?
- 15 A Yes.
- 16 Q And you just write your name right there, and then
- 17 maybe put a parens M38 after it. That'd be. . .
- 18 A (Deponent marks the map.)
- 19 Q Okay, thank you. Now, still looking at Exhibit 1,
- 20 Exhibit 1 shows that M37 and M38 are right next to each
- 21 other. On the ground, approximately how far apart are
- 22 they? I think your testimony earlier was that you drilled
- 23 the newer well right about where the old well was, is that
- 24 -----
- 25 A Just a few feet.
- 26 Q Okay, so it's just a matter of a few feet. And
- 27 then Denise's well, which I think is M36 -- again, I think
- 28

I you've testified it's about a football field away?

- A Yes.
- 3 Q I think you also testified, or let me ask you if
- 4 you testified, that there are a number of oil wells within
- 5 the vicinity of your house, is that correct?
- 6 A Yes.
 - Q Are you familiar with the names or the companies
- 8 that operate any of those wells?
- 9 A No.
- 10 Q Where are some of those wells located in respect
- 11 to your house? When you say they're in the vicinity of
- 12 your house, what direction are they from your house?
 - 3 A North.
 - Q Are you aware if there are any to the east?
- 15 A To the northeast.
 - Q I'll show you a map that USGS has prepared that
- 17 shows oil wells on it. Again, if we locate your premises
- 18 there in the northeast corner of Section 33, is that
- 19 correct?

14

23

- 20 A Um-hm. Yes.
- 21 Q Now, on this map it shows the Ajax well in Section
- 22 33. Are you at all familiar with that well?
 - A No, I'm not.
- 24 Q How about the Mapco well in Section 34. Are you
- 25 familiar with that?
- 26 A No.
- 27 Q How about the Amarco Schmidt well in Section 27,
- _____

I I guess that is. Are you familiar at all with that well?

- A No.
- 3 Q How about the Murphy 63? Are you at all familiar
- 4 with that?
- 5 A There used to be a place where we went fishing,
- 6 and I'd see these oil wells, and it would have Murphy on
- 7 there is all. And there was about three, four of them.
- 8 Q How about the Mesa well, are you at all familiar 9 with that?
- 10 A No.
- 11 Q Have you ever heard anything about a hot water
- 12 pipeline running from the east Poplar oil field in towards
- 13 the town of Poplar?
 - A No, I haven't.
- 15 Q Do you know how many times your well M38. I
- 16 believe it is, has been sampled?
- 7 A No, I couldn't really say.
- 18 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION
- 19 EXHIBIT 32 FOR IDENTIFICATION PURPOSES.)
- 20 Q (By Mr. Ross) I'll show you what's been marked as
- 21 Exhibit 32. Have you ever seen that before or a copy of
- 22 that? 23 A
 - A (By Deponent) No.
- 24 Q How about page 2, have you ever seen that?
- 25 A No.
- 26 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION EXHIBIT
- 27 33, FOR IDENTIFICATION PURPOSES.)
 - 28

Deposition of Trivian Grainger Cond	ens	cIt!' Cause #CV 98-108-BLG-JDS
Page 29	丁	Page 31
1 Q (By Mr. Ross) I'll show you what's been marked as	1	Q Have you ever spoken so far as you can recollect,
2 Exhibit 33. Can you tell us what that is?	2	with anyone from either Grace Petroleum or Samson
3 A (By Deponent) That's the lease, I guess, on where		Hydrocarbons?
4 the house is, isn't it?	4	A No.
5 Q Who is Francis P. Renz, do you know?	5	MR. STERUP: 1 have nothing further.
6 A That was my husband's grandfather, I believe.		
7 MR. ROSS: 1 have no further questions. Thank you.	7	Q Trivian, my name is Mike Webster, and I represent
8 EXAMINATION BY MR. STERUP:	8	Murphy Exploration in this case. Have you ever talked to
9 Q Trivian, my name's Rob Sterup. I represent Samson		any of the Murphy any employees or representatives of
10 Hydrocarbons. Who built the new house that was constructed		Murphy that you're aware of?
11 in 1989?	11	A No.
12 A The Fort Peck Housing.	12	Q At least about water quality you haven't?
13 Q Who owns that house at the present time?	13	A No.
14 A I would imagine well, I do, but well, the	14	Q How old is your son, Daniel?
15 Housing, um 1 own it, but the Housing is still has	15	A Eighteen.
16 part of it, I guess.	16	Q And how about Adam?
17 Q Are you making	17	A Seventeen.
18 A I'm not through paying for it yet.	18	Q And David?
19 Q You're making payments to the Housing Authority?	19	A Twenty-four.
20 A Yes.	20	Q And they have lived and Dawn, you said, was 32
21 Q Do you know when you'll make the final payment?	21	or 31? 32?
22 A No, I don't.	22	A Thirty-two.
23 Q Who lives in your household at the present time?	23	Q David and Dawn, have they always lived at home?
24 A My daughter and my three sons and my	24	A Dawn was living in town by herself for a while.
25 granddaughter.	25	Q So she's not lived there the entire time but she's
26 Q You say a granddaughter. What is the	26	
27 granddaughter's name?	27	A Yes.
28	28	
Page 30)	Page 32
i A Jordan.	1	Q Do you know when she moved back with you?
2 Q Whose child is that?	2	A Two years ago.
3 A My daughter Dawn's.	3	Q Had she been gone for an extended period of time?
4 Q How old is Dawn?	4	A Just about a year.
5 A She's thirty She was born in '69 32, 33.	5	Q About a year. So she lived with you 'til she was
6 Q How old is Jordan?	6	27, 28,
7 A Five.	7	A Yes.
8 Q There's a Jordan Grainger identified in the	8	Q left for a year or two, and then came back?
9 complaint and that would be Dawn's	9	A Yes.
10 A Daughter.	10	Q The property that you own, do you know the legal
11 Q daughter. At the time the new house was built	11	description for it?
12 in 1989, you know the water quality was poor, I take it?	12	A No, I don't.
13 A Yes.	13	Q Are you sure it's a 20 acre tract?
Q How does it happen that you decided to put up a	14	A Yes.
15 new house on the site at a time when you knew the water	15	Q The Fort Peck Housing Authority lease, does that
16 quality was poor?		cover just a portion then of the property that you own?
17 A Well, it was our land, and we wanted to live	17	A Two acres.
18 there. We didn't want to live in town anymore.	18	Q Two acres. How does that work? You own the
19 Q So having weighed the pros and cons and realizing		property I guess I'm confused on how those work.
20 the water quality was poor, you decided, let's go ahead and	20	A I really don't know either. But, they lease two
21 live here even though the water isn't as good as we'd like 22 it to be?	21	acres that they put the house on until you pay it off. Q And that's sort of their security it's almost
23 A Well, I thought maybe a new well might have	22	
24 might have better luck with a new well or The water	24	A If you don't pay for the house, then they can
25 would be better.		they can move the house off or whatever.
26 O And that turned out not to be the case. I take it?	26	

Q And that turned out not to be the case, I take it?

26

27

28

A No.

26 Q And I don't recall, did you testify, is this

27 property owned in fee status or is it owned in trust

Page 33 Page 35 1 status? 1 since you moved into the property that -- kind of an on-2 A I'm not sure. 2 going yearly problem? Q Do you pay taxes? Do you pay ----3 3 A At least five, six years. Q Any time before then? When your husband was still .1 5 Q --- property taxes on this property? 5 alive, did the same problems happen? 6 A No. A Yes. O Okay, well, then it's trust. 7 Q Do you recall whether those problems arose back 7 A lt's in trust. 8 when you were -- when you first moved into the house? O Okay. And your testimony is that you haven't 9 A We used to have that trouble when we were living drank the water since 1989? Is that -- or around there? 10 in the trailer -- trailer house. A At least ten years. O Is the trailer -- the location where that trailer 11 11 Q At least ten years. So, maybe 1991 perhaps. 12 12 was, is that close to where your house is now? 13 A There's only a road and then you just walk across. 13 14 O And you've had bottled water since that time? 14 It's just a few feet to where the house is. A Ycs. 15 15 Q So when you lived there before your new house was O Are you receiving bottled water now? 16 16 built in the trailer, you had septic system problems? 17 17 A Yes, we are. A Yes. Q And is it -- are you having to pay for it or is it Q When you built the new house then, was there a 18 18 19 provided to you? 19 period of time where there weren't problems or did that A No. No. 20 same hold true fairly quickly? 20 21 O Is that working out fairly well then? 21 A Well, probably the first three, four years it was A Yes, it is. 22 22 alright -- maybe three years. 23 O The deliveries are timely ----23 O And each time you have these problems then, does A Yes. 24 someone come out and dig it up, put in a new one, and ----24 O --- and there's plenty of ----25 25 Q Have they told you why you keep having these 26 A Every Friday. 26 27 O And the water is sufficient for your drinking ----27 problems? 28 Page 34 Page 36 A They told us that, because of the water, it was --1 A Yes. 2 they were either -- pipes were ever rotting away or --2 Q --- and those purposes? 3 That's mainly what they said that it was rotting away, the 3 A Cooking. 4 4 pipes. The pipes were just giving out. O Have you ever had any trouble with your septic Q Have they tried to put in different types of pipes 5 system at your home? 6 or different -- do they just keep putting back in the same 6 A Well, within the last year, I think three times. 7 kind of pipe year after year, do you know? 7 8 Q Not before then, though, that you can recall? A I really don't know. A Oh, no, at least once a year, we have to call 9 O Do you know who does that work for you? 10 someone to come out. 10 A The Enterprise, Fort Peck. Q And then they'd pump it out and it works fine for O The Housing Authority group? 11 11 -- or is that what you mean or does it -----12 A No, it's a different -----A Not pumping it. No, they have to replace all the 13 Q I mean, that's who, though, the Housing Authority 13 pipes and what not going to the house. 14 ----O And that happens on a yearly basis with your 15 15 A It's through the Tribes. 16 septic system? 16 O Do you know how much salt do you generally use per 17 A Almost. Almost. 17 week in your water conditioner? O How do you know when that problem -- how do you A It takes five bags to fill the tank, and, um --19 know when they're in need of replacement? Do the toilets 19 and we have to fill it about twice a month. Q Do you have any fuel tanks or any gasoline tanks 20 and the drains quit working or what? 20 21 A No, it -- all of a sudden, we see a big wet spot 21 or anything like that on your property? 22 on the ground there, and the water is just actually coming 22 23 up from the ground. 23 Q There's not a 250 gallon tank there that you can Q And that's when you know then that the septic 24 fill up your cars with or anything like that? 25 system is not working properly? 25

26

28

27 that on or near your home?

A One of the pipes has burst or rotted away.

Q And that's been going on for how long? Is that

26

27

28

Q Is there a shop or a work place or anything like

Deposition of Trivian Grainger	condenseit! Cause #CV 9	38-108-RFG-1D2
1 A I have a quonset building there, but there's 2 Q Is anything kept in there? 3 A No. It's just mainly for we keep our cars or 4 whatever in there when the weather gets really bad or. 5 Q Okay. You don't store anything else 6 A No. 7 Q unusual in there? 8 A No. 9 MR. WEBSTER: I think that's all I've got. 10 MR. DOLAN: I have no questions. I guess you're done, 11 Trivian. 12 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS: 13 CONCLUDED AT 3:13 P.M.) 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	1 DEPONENT'S CERTIFICA 2 I, TRIVIAN GRAINGER, do hereby certify th 3 foregoing transcript of my testimony and th 4 full, true and correct record of my deposition 5 corrections I have listed on the Corrections to 6 Changes and corrections 7 No changes or correction 8 9 TRIVIAN GRAINGER 10 Subscribed and sworn to before me thisdi	Page 39 ATE nat I have read the hat the same is a n except as to any to Deposition form. made. It is made.
CERTIFICATE STATE OF MONTANA COUNTY OF ROOSEVELT L, JOANN D. HESER, Official Court Reporter, Fifteenth Judicial District, and a Notary Public duly qualified in and the State of Montana, hereby certify there came before me to deponent herein, namely TRIVIAN GRAINGER, who was by means to testify to the truth and nothing but the truth concerning the matters in this cause. I further certify that I was the Official Court Reporter who reported, by means of LANIER recorder, this deposition. testimony therein and other proceedings herein contained are true and correct transcription of the original tapes and my notes, TO THE BEST OF MY ABILITY. I further certify that I am not related in any manner to any party, witness, or counsel and have no financial or oth interest in the outcome of the above entitled cause. IN WITNESS WHEREOF, I have hereunto set my hand and aff my Notarial Seal this 27th day of June, 2001. Joann D. Hesser NOTARY PUBLIC My Comm. exp. 7/2/2004	r 6 7 8 9 10 11 12 13 14 15 16 17 18	EASON

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